

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:

Prepared on: 9/13/99
Department Name: Planning and Development
Department No.: 053
Agenda Date: 9/21/99
Placement: Departmental
Estimate Time: 2.5 hours (hearing)
Continued Item: NO
If Yes, date from: f:\group\dev_rev\wp\tm_tpm\14400s\14485\bosltr.doc

TO: Board of Supervisors

FROM: Albert J. McCurdy
Secretary to the Planning Commission

STAFF CONTACT: Patricia Miller, Supervising Planner (x 2054)
Steve Rodriguez, Contract Planner, (805/682-3413)

SUBJECT: Goleta Presbyterian Church/United Cerebral Palsy Foundation/Fairview Center
98-LA-019, TPM 14485, 98-CP-028, 98-DP-037, 99-CP-076, 98-DP-028, 98-GP-028,
98-RZ-023

Recommendation(s):

1. Adopt the required Findings for the project specified in Attachment A of the Planning Commission Action Letter for the hearing of September 15, 1999 (Board Letter Exhibit 2), including CEQA findings.
2. Approve the Negative Declaration, 99-ND-11, and adopt the mitigation monitoring program contained in the conditions of approval in Attachments B – G of the Planning Commission Action Letter (Board Letter Exhibit 2).
3. Approve 98-LA-019 subject to conditions of approval in Attachment B of the Planning Commission Action Letter.
4. Approve TPM 14,485 subject to conditions of approval in Attachment C of the Planning Commission Action Letter.
5. Approve 98-CP-068 subject to conditions of approval in Attachment D of the Planning Commission Action Letter.
6. Approve 98-DP-037 subject to conditions of approval in Attachment E of the Planning Commission Action Letter.

7. Approve 99-CP-076 subject to conditions of approval in Attachment F of the Planning Commission Action Letter.
8. Approve 98-DP-028 subject to conditions of approval in Attachment G of the Planning Commission Action Letter.
9. Adopt the resolution included as Attachment A of Board Letter Exhibit 1, approving Comprehensive Plan Amendment 98-GP-028, changing the adjusted portion of 98-LA-019 from “Residential, 4.6 units/acre” to “General Commercial.”
10. Adopt the ordinance included as Attachment B of Board Letter Exhibit 1, approving Rezone 98-RZ-023 from “Design Residential, 4.6 units/acre” to “Shopping Center.”
11. Approve fee waivers for the Goleta Presbyterian Church and United Cerebral Palsy Foundation projects, as appropriate.

Alignment with Board Strategic Plan: The recommendations are primarily aligned with actions required by law or routine business necessity.

Executive Summary and Discussion:

At the time of Board Agenda Letter preparation final Planning Commission action had not yet been taken on the proposed projects. The final Commission hearing is scheduled for September 15, 1999. The Planning Commission Action Letter will be forwarded to the Board of Supervisors immediately following the September 15th hearing.

Permit Requests

The permit requests fall into the following three groups:

- *Goleta Presbyterian Church:* The Goleta Presbyterian Church (GPC) property includes 6.28 acres. The project includes a request for a lot line adjustment (98-LA-019) that would adjust the property boundary between GPC and the adjacent Fairview Center (FC) such that a 318-foot strip of land (0.17 acre) would be transferred to the Fairview Center. This transfer would facilitate better delivery along the western boundary of the shopping center property. A lotsplit (TPM 14,485) is also proposed and would split the adjusted property (6.11 acres) into Parcel A of 4.54 acres and Parcel B of 1.57 acres. Finally, a church expansion is proposed (98-CP-068; 98-DP-037) that would add 12,458 square feet to existing church facilities on proposed Parcel A. When combined with existing structures, total onsite church development would be 22,743 square feet.
- *United Cerebral Palsy Foundation:* The United Cerebral Palsy Foundation (UCPF) project includes a 13-unit special care facility on proposed Parcel B (99-CP-076; 98-DP-028). The project would provide

housing for persons with cerebral palsy and qualifies as 100% affordable housing at the very low income level. Structural development would total 9,748 square feet.

- *Fairview Center:* The above referenced transferred property is proposed to be redesignated from “Residential, 4.6 units/acre” and “Design Residential, 4.6 units/acre” to “General Commercial” and “Shopping Center” (98-GP-028 and 98-RZ-023, respectively). In that these actions require a Board Land Use Element window date, any Board approval on September 21st would be conceptual only. Final action would be deferred to the next window date of December 7, 1999.

Issues

Flooding

The proposed Goleta Presbyterian Church (GPC) and United Cerebral Palsy Foundation (UCPF) projects would be constructed adjacent to Las Vegas Creek. The watershed of the creek is approximately 863 acres and the creek experiences flows of 2300 cubic feet per second (cfs) during peak storm events. Most recently the creek and adjacent neighborhood experienced flooding in 1995 and 1998. During the 1998 storm event the culvert south of the project site at Calle Real and US 101 was subject to debris blockage causing upstream flooding. As a result area residences and businesses experienced severe flooding impacts (Holiday Park Subdivision to the west and businesses to the southwest and east). Neighbors have expressed substantial concern over flood-related hazards associated with the proposed GPC and UCPF projects.

Development in the floodway portion of the floodway adjacent to Las Vegas Creek includes a portion of the proposed GPC sanctuary building and a portion of a fill slope under the UCPF building. All other proposed development would occur in the remainder of the Las Vegas Creek floodplain as the floodplain covers the entire property.

The FCD would require mitigation for floodway/floodplain impacts. This includes removal of an equal amount of mass from the floodway as would be constructed within it so as to not increase the elevation of floodwaters. Specifically, the area between the proposed GPC sanctuary building and the creek would be graded down 2.75 feet and approximately 470 linear feet of the creek bank from the central area of the property to the southern boundary would be widened by approximately 10 feet. Remaining floodplain mitigation includes provision of finished floor elevations of buildings to be at least 2 feet above the expected elevation of the 100-year storm. The GPC structural development meets this requirement without placement of any fill material on proposed Parcel A. The UCPF building on proposed Parcel B would require approximately 5 feet of fill.

Total grading required to mitigate flooding impacts includes 717 cubic yards of cut and 80 cubic yards of fill for the church project and 910 cubic yards of cut and 7400 cubic yards of fill for the UCPF project. The FCD has provided a preliminary review of proposed floodway/floodplain mitigation and found it to be acceptable.

Biology

Las Vegas Creek is located along the western perimeter of the project site. The creek is dominated by non-natives, such as rabbitfoots grass, castor bean, black mustard, cocklebur, and nasturtium. Native plants are scattered on the lower reaches of the creek banks, and include willow smartweed, mugwort, and red, narrow leaf, and arroyo willow. In addition to the native plants described above, the creek banks have been recently planted with willow saplings. Approximately 50 saplings were placed on the upper and mid-slopes of the eastern creek bank. Planting of the willows was coordinated by the Church, Urban Creeks Council, and the Flood Control District during the past year. Six large, mature western sycamore trees are found outside of the creek banks on the eastern side of the creek (Tierney, 1999). Due to their potential to provide a diverse variety of vegetation types, sensitive habitats, and habitat for numerous common and sensitive animal species, most creeks channels in the Goleta area, including Las Vegas Creek adjacent to the proposed project site, have been designated as Environmentally Sensitive Habitat (ESH) areas in the Goleta Community Plan.

Project short-term disturbance within the creek and associated 50-foot setback includes grading associated with floodway mitigation. Permanent encroachment is limited to the toe of the fill slope underlying the UCPF project (as measured from the edge of the modified top-of-bank or edge of existing riparian vegetation, whichever is greater).

The primary offset for biological impacts includes a creek restoration plan. Creek bank restoration would be required as well as revegetation within the east bank buffer area. The buffer area would be replanted a minimum of 25 feet and an average of 50 feet outward from the east bank. Plantings within the creek corridor area would be 100% native and the majority of landscaping elsewhere throughout the property would also be with native species. Additionally, two onsite bioswales would be provided in order to reduce water quality impacts in the creek and in the downstream ESH area of the Goleta Slough.

Neighborhood Issues

The project site is located within the urban core of the Goleta Community Planning Area. Surrounding land uses include primarily residential and commercial operations. Proposed new structural development associated with the expansion of the existing church and establishment of the UCPF project are expected to result in structural and operational uses that are compatible with the existing surrounding neighborhood. No neighborhood complaints regarding existing church activities have been received by P&D and the proposed expanded uses are not expected to be substantially noticeable to existing residents as long as overflow parking during peak events is adequately accommodated. Some commentors expressed concern regarding the level of intensity of the UCPF project (13 units) during the public review period on the environmental document. The proposed level of intensity however, results in less structural development over that which could be developed under existing land use and zoning designations (4.6 units/acre x 1.57 acres = 7 units at approx. minimum of 2000 sf each = 14,000 sf). Future uses at the UCPF project are not expected to project or occur substantially outward from the project site and are therefore not expected to be in conflict with the existing neighborhood. The proposed lot line adjustment is expected to facilitate improved circulation along the western boundary of the Fairview Center and along Shirrell Way.

In addition to the previously mentioned flooding concerns, neighboring residents have also registered concern about nuisance impacts that could result from altered circulation patterns behind the existing Orchard Supply building. Neighbors have expressed concern over increased odors, smoke, emissions, and dust from increased truck traffic. In that only three truck deliveries are anticipated to shift from Shirrell Way to Calle Real no adopted thresholds of significance would be exceeded with regard to the aforementioned issues. Increased noise is also of concern. The managers of the shopping center have adopted new policies intended to reduce conflicts between the shopping center operations and adjacent residents (see letter from Michael Prochelo, Fairview Center Manager, to Walter Gray dated 7/26/99; Attachment K of Exhibit 3, Planning Commission Record, Attachment A).

Housing

The proposed UCPF project would be affordable to persons of very low income. The project is considered a "Special Needs Facility" under the County's Housing Element Affordable Housing Program.

Request for Fee Waivers

Both the GPC and UCPF applicants are requesting complete waiver of fees recently adopted under the Goleta Fees and Infrastructure Study. The Board adopted these new development impact fees for Goleta in June 1999. These include increases in traffic and park fees and the adoption of new fire, sheriff, public administration, commercial/industrial park, and library fees. In order to ensure that development impact fees would not preclude the development of certain types of "beneficial" projects, the Board also adopted a fee reduction program for these beneficial projects. The fee reduction program adopted by the Board applies only to traffic and park fees.

The reason for focusing the reductions on these two categories was two-fold. First, the traffic and park fees are the most costly and second, grant funding to backfill the reduced fees is most easily obtained for transportation and park/recreation projects.

The existing fee reduction programs would allow for the following:

Traffic: GPC (75% reduction); UCPF (60% reduction)
Parks: GPC (exempt); UCPF (80% reduction)

The Board does have the ability to waive traffic and park fees pursuant to the adopted resolutions implementing the fee reduction programs. However, the Board should note that the reductions are based on anticipated future development and successful grant applications over the next 10 years. If the Board waives fees for projects, the total number of projects that may ultimately be able to obtain fee reductions over the next 10 years could be reduced. All reductions are ultimately contingent upon the County obtaining grant funding.

The applicant is also requesting the waiver of the new fire, sheriff, library, and public administration fees. The ordinance establishing the fire fee does not include a provision allowing the Board to waive or reduce the fire fee. The ordinances implementing the sheriff, library, and public administration fees include a

provision allowing the Board to establish fee reductions for beneficial projects by resolution. The Board has not at this time adopted any fee reduction resolutions for any of these fees. Therefore, if the Board wanted to grant these fee waivers for this project they would have to direct staff to return with an amendment to the fire fee ordinance allowing the Board to adopt a beneficial projects fee reduction program and a resolution implementing the program. With respect to the sheriff, library, and public administration fees, staff would have to return with a resolution implementing a beneficial fee reduction program. If fee reductions/waivers were ultimately granted, the Board would be required to identify an alternative source of funding to backfill these reductions/waivers.

At issue is approximately \$40,000 in fees for the Goleta Presbyterian Church project and \$47,000 in fees for the United Cerebral Palsy Foundation project. Staff will provide a breakdown of the fees at the Board hearing and will prepare necessary resolutions as directed by the Board.

Mandates and Service Levels: Pursuant to Government Code Sections 35-292d and 35-317.6 of Article III of Chapter 35 (Inland Zoning Ordinance), the project was considered by the Planning Commission for an advisory recommendation to the Board of Supervisors, the final decision maker.

Fiscal and Facilities Impacts: All costs associated with processing are being paid by the applicant.

Special Instructions:

Clerk of the Board shall, within 15 days of passage of the rezone ordinance, publish it or a summary of it, once with the names of the Board of Supervisors voting for and against same, in the Santa Barbara News Press.

Clerk of the Board shall forward a copy of the Minute Order to Planning and Development Hearing Support Section, Attn: Deanna Cox.

Planning and Development will prepare all final action letters and otherwise notify all concerned parties of the Board of Supervisor's final action.

Concurrence: County Counsel

ATTACHMENTS:

Exhibit 1: Board of Supervisors Resolution and Ordinance

- A. Resolution (98-GP-028)
- B. Ordinance (98-RZ-023)

Exhibit 2: Planning Commission Action Letter for hearing of September 15, 1999

- A. Findings
- B. Lot Line Adjustment Conditions (98-LA-019)
- C. Tentative Parcel Map Conditions (TPM 14,485)
- D. GPC Conditional Use Permit Conditions (98-GP-068)
- E. GPC Development Plan Conditions (98-DP-037)
- F. UCPF Conditional Use Permit Conditions (99-CP-076)
- G. UCPF Development Plan Conditions (98-DP-028)

Exhibit 3: Planning Commission Record

- A. Planning Commission Staff Report of August 26, 1999
- B. Planning Commission Staff Memo of September 13, 1999
- C. Public Comments Received